IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8070 OF 2006

The President, The Nashik Jilha Ahilyadevi Shikshan Prasarak Mandal, Jalgaon..... .....
Petitioner
V/s
Sou.Pramila Govind More & Ors..... .....
Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Mr.S.M.Kamble, Adv. for the petitioner.

Mr.N.R.Bubna, Adv. For respondent No.1.

CORAM: A.P. DESHPANDE, J.
15.3.2007

PC:

The petitioner takes exception to the judgment and order passed by the School Tribunal dated 30.10.2006 by which appeal filed by respondent No.1 came to be allowed holding that the respondent No.1 herein was reduced in rank on account of her reversion from the post of supervisor to that of an Assistant Teacher. The respondent No.1 Smt. Pramila More was initially appointed as supervisor and later on reduced in rank which action was questioned by

filing an appeal. The question that falls for consideration is as to whether the present respondent No.1 is senior or the respondent No.3 is senior and the Tribunal has held that respondent No.1 is senior. Aggrieved teacher has not filed any writ petition but the petition has been filed by school management. Learned counsel for the petitioner does not dispute that if the respondent No.1 and respondent no.3 are to be treated as employees of present petitioner then respondent No.1 is senior. However, he submits that initially petitioner was administering in all four schools and out of said four schools three came to be transferred in favour of some other Society and only one school remained in administration and control of the petitioner. The name of the said school is Shri G.Y. Patil Secondary & Higher Secondary School. The transfer of the other schools took place sometime in the year 2004 after seeking prior permission of the Charity Commissioner and Deputy Director of Education in exercise of powers under rule 12 of the Secondary School Code. On account of transfer of schools, in conformity with the understanding, in all 15 employees came to be transfered from one school to another. The transfer order dated

9.6.2004 was acted upon by a communication dated 1.8.2004 and all the15 employees including the respondent No.1 are working at their respective places as indicated in the said transfer order. The division of employees and allocation thereof to respective employers was acted upon and since then till date respondent no.1 has been working in Shri G.Y.Patil Secondary & Higher Secondary School. She is found to be senior most. The learned counsel for the petitioner has submitted that respondent No.1 should not have been transferred to G.Y. Patil School and she ought to have been continued in the New English School. No one has challenged the order of transfer dated 9.6.2004 before any Forum and the petitioner has also not cancelled the transfer order, assuming that the petitioner could have done so on the ground that the said transfer was illegally made by the then Managing Committee. Parties have acted in pursuance of the transfer. It will not be in the interest of any one concerned to disturb allocation of the employees at this stage. The Tribunal has rightly treated the respondent No.1 as an employee of the present petitioner and as she was found to be senior most, the

appeal filed by her has been allowed by the Tribunal. Perused the judgment and order passed by the Tribunal. Same does not call for any interference. Hence writ petition is summarily dismissed.

15.3.07.